

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

x

IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03 MDL 1570 (GBD)

x

THIS DOCUMENT RELATES TO:

*Fiona Havlish, et al. v. Bin-Laden, et al.*  
03 CV 9848 (GBD)

**MOTION TO PARTIALLY UNSEAL  
PREVIOUSLY SEALED EVIDENCE**

Plaintiffs, by and through the undersigned counsel, hereby move this Honorable Court for an Order to partially unseal previous sealed evidence and in support thereof aver the following:

1. On May 20, 2011 Plaintiffs filed their Motion to Seal Portions of the Evidence in Support of their Motion for Entry of Judgment by Default Against Sovereign Defendants [MDL Docket Document 2434].
2. Plaintiffs' Motion sought the sealing of evidence provided by three Iranian nationals, identified in the sealed evidence by the pseudonyms "Witness X," "Witness Y," and Witness Z.
3. The basis for Plaintiffs' Motion was that the three Iranian fact witnesses "have legitimate and serious concerns for their safety and the safety of their families and friends if their identities, as witnesses in this case, and/or information related to them, were to become publicly known, i.e., known to the regime ruling the Islamic Republic of Iran."
4. By Order dated July 5, 2011, this Court granted Plaintiffs' Motion to Seal. [MDL Docket Document 2440].

5. Since the filing of Plaintiffs' Motion and the entry of this Court's Order sealing the evidence provided by Witness X, Witness Y and Witness Z, Witness X has obtained satisfactory protections as to his identity and location such that he has given his permission to unseal his identity and the majority of his testimony.

6. Because portions of the testimony provided by Witness X identifies individuals who would be at risk if their identities are made public, those portions of the testimony should remain sealed in order to protect the identities of those individuals.

7. Plaintiffs will provide the Court with redacted affidavits and testimony at the hearing on Thursday December 15, 2011.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter an Order in the form attached granting a partial unsealing of the sealed evidence and allow Plaintiffs to offer redacted affidavits and testimony into evidence at the hearing on December 15, 2011.

Respectfully Submitted this 14<sup>th</sup> day of December, 2011,

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**CERTIFICATE OF SERVICE**

I, Stephen A. Corr, Esquire, hereby certify that the defendants in the matter of *Havlish, et al. v. bin Laden, et al.*, are in default and have not registered for ECF and, therefore, those defendants have not been served with the attached Motion. All other interested parties in the consolidated actions are being served through the ECF system this 14<sup>th</sup> day of December, 2011.

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